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REMARKS

Claims 31, 33, 34, 39, 42, 44, 45, and 50-62 are pending in this application. By this Amendment, Applicant has canceled Claims 32, 35-38, 40-41, 43, and 46-49, without prejudice, Applicant has added new Claims 51-62, and Applicant has amended Claims 31, 34, 42, and 44. Applicant respectfully submits that the newly added Claims 51-62 do not contain new matter. Applicant further submits that the amendments to each of Claims 31, 34, 42, and 44 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 31, 33, 34, 39, 42, 44, 45, and 50-62, is patentable over the prior art and is patentable over the Claims of U.S. Patent No. 6,542,076.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of The Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Based on the foregoing Amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE FORMAL MATTER OBJECTION:

The Examiner objected to Claims 36 and 37 for formal reasons. As noted above, Applicant has canceled Claims 36 and 37, without prejudice. In view of the cancellation of Claims 36 and 37, Applicant respectfully requests that the Examiner's objection to Claims 36 and 37 be withdrawn.

II. THE DOUBLE PATENTING REJECTIONS:

The Examiner rejected Claims 31-41 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 31-56 of U.S. Patent No. 6,542,076. The Examiner also rejected Claims 42-50 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 3 and 11 of U.S. Patent No. 6,542,076.

As noted above, Applicant has canceled Claims 32, 35-38, 40-41, 43, and 46-49, without prejudice, Applicant has added new Claims 51-62, and Applicant has amended Claims 31, 34, 42, and 44. Applicant respectfully submits that the newly added Claims 51-62 do not contain new matter. Applicant further submits that the amendments to each of Claims 31, 34, 42, and 44 do not contain new matter. Applicant respectfully submits

that the present invention, as defined by Claims 31, 33, 34, 39, 42, 44, 45, and 50-62, is patentable over the prior art and is patentable over the Claims of U.S. Patent No. 6,542,076.

IIA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 31, 33, 34, 39, AND 50-56, IS PATENTABLE OVER CLAIMS 3, 11, AND 31-56 OF U.S. PATENT NO. 6,542,076:

Applicant respectfully submits that the present invention, as defined by Claims 31, 33, 34, 39, and 50-56, is patentable over Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076.

Applicant respectfully submits that the present invention, as defined by independent Claim 31, is patentable over Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076. Applicant respectfully submits that Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076 do not disclose, teach, or suggest, the recited apparatus of independent Claim 31, wherein the first processing device or the third processing device determines whether an action or an operation associated with information contained in the first signal, to at least one of activate, de-activate, disable, re-enable, and control an operation of, the at least one of a fuel cell, a fuel cell temperature measuring device, a fuel cell by-product measuring

device, and a fuel cell output measuring device, is an authorized or an allowed action or an authorized or an allowed operation, and further wherein, if the action or the operation is determined to be an authorized or an allowed action or an authorized or an allowed operation, the third processing device at least one of generates and transmits a third signal for at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, the at least one of a fuel cell, a fuel cell temperature measuring device, a fuel cell by-product measuring device, and a fuel cell output measuring device, in response to the first signal, all of which features are specifically recited features of independent Claim 31.

In view of the foregoing, Applicant respectfully submits that Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076 do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 31. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 31, is patentable over Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076. In view of the above, Applicant respectfully requests that the Examiner's double patenting rejection of independent Claim 31 be withdrawn.

Applicant further submits that Claims 33, 34, 39, and 50-56, which Claims depend either directly or indirectly from independent Claim 31, so as to include all of the features and limitations of independent Claim 31, are also patentable as said Claims 33, 34, 39, and 50-56 depend from allowable subject matter.

Allowance of pending Claims 31, 33, 34, 39, and 50-56 is, therefore, respectfully requested.

IIB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 42, 44, 45, AND 57-62, IS PATENTABLE OVER CLAIMS 3, 11, AND 31-56 OF U.S. PATENT NO. 6,542,076:

Applicant respectfully submits that the present invention, as defined by Claims 42, 44, 45, and 57-62, is patentable over Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076.

Applicant respectfully submits that the present invention, as defined by independent Claim 42, is patentable over Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076. Applicant respectfully submits that Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076 do not disclose, teach, or suggest,

the recited apparatus of independent Claim 42, wherein the first processing device or the third processing device determines whether an action or an operation associated with information contained in the first signal, to at least one of activate, de-activate, disable, re-enable, and control an operation of, the at least one of a fuel cell, a fuel cell temperature measuring device, a fuel cell by-product measuring device, and a fuel cell output measuring device, is an authorized or an allowed action or an authorized or an allowed operation, and further wherein, if the action or the operation is determined to be an authorized or an allowed action or an authorized or an allowed operation, the third processing device at least one of generates and transmits a third signal for at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, the at least one of a fuel cell, a fuel cell temperature measuring device, a fuel cell by-product measuring device, and a fuel cell output measuring device, in response to the first signal, all of which features are specifically recited features of independent Claim 42.

In view of the foregoing, Applicant respectfully submits that Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076 do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 42. In view of the

foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 42, is patentable over Claims 3, 11, and 31-56 of U.S. Patent No. 6,542,076. In view of the above, Applicant respectfully requests that the Examiner's double patenting rejection of independent Claim 42 be withdrawn.


Applicant further submits that Claims 44, 45, and 57-62, which Claims depend either directly or indirectly from independent Claim 42, so as to include all of the features and limitations of independent Claim 42, are also patentable as said Claims 44, 45, and 57-62 depend from allowable subject matter.

Allowance of pending Claims 42, 44, 45, and 57-62 is, therefore, respectfully requested.

III. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 31, 33, 34, 39, 42, 44, 45, and 50-62 is respectfully requested.

Respectfully Submitted,


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Encl.: - Abstract of the Disclosure

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